

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TEVA PHARMACEUTICALS USA, INC. : CIVIL ACTION
:
v. :
:
AMGEN, INC. : NO. 09-5675

ORDER

AND NOW, this 10th day of September, 2010, upon consideration of plaintiffs/counter-defendants Teva's opening brief on claim construction (docket entry # 57), defendants/counter-claimants Amgen's corrected claim construction brief (docket entry # 59), the parties' responses thereto, and following a hearing on this matter on August 13, 2010, and in accordance with the accompanying memorandum, it is hereby ORDERED that:

1. Disputed claim terms "pluripotent" and "p" as they appear in "human pluripotent granulocyte colony-stimulating factor" and "hpG-CSF" limit the patent claims and mean: capable of generating numerous cell types;

2. Disputed claim term "having an amino acid sequence from the group consisting of..." means: having an amino acid sequence selected from [the three amino acid sequences identified in the patents-in-suit];

3. Disputed claim term "isolated" means: separate from forms of human G-CSF not having the amino acid sequences recited in the claim;

4. Disputed claim term "a method for providing granulocytopoietic therapy to a mammal" means: therapeutically treating a mammal by stimulating the production of granulocytes; and

5. Disputed claim term "administering an effective amount of" means: administering an amount adequate and suitable for therapeutic use.

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BY THE COURT:

___\s\Stewart Dalzell